

**HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
and
HON'BLE SHRI JUSTICE G.BHAVANI PRASAD**

WRIT PETITION No. 27631 OF 2005

-

Between:

People's Union for Civil Liberties, A.P., Hyderabad,
Represented by its General Secretary, Jaya Vindhyala,
Advocate, O/o.16-08-908/7, Yadav Complex,
Malakpet 'X' Roads, Hyderabad, A.P.

.....Petitioner

AND

The Chief Secretary to Government,
Government of A.P., Secretariat,
Hyderabad and four others

.....Respondents

:::ORDER:::

Counsel for the Petitioner : Sri Prattipati Venkateshwarlu

**Counsel for Respondent Nos. 1 and 2 : Government Pleader for
General**

Administration

Counsel for Respondent Nos.3 and 4 : Government Pleader for

Archeology

Counsel for Respondent No.5 : Government Pleader for Home

Dated 6/4/2006

Per Sri G.S.Singhvi, CJ

In this petition filed as a piece of public interest litigation, the petitioner has prayed for issuance of a writ of mandamus to direct the respondents to protect historical monuments including the one built in the memory of Queen Bhagamathi.

In the affidavit filed by Smt. Jaya Vindhayala, General Secretary of the petitioner-Union, it has been averred that Prince Nizam of Hyderabad had constructed a Samadhi in the name of his wife Bhagamati in an area of Ac.7.00 at Yakutpura, Hyderabad. She has further averred that even though the site in question is under the control of the government, anti social elements are trying to destroy the same. It has still further been averred that the official respondents are duty bound to protect monuments of historical importance.

In the counter affidavit filed by Smt. J. Kedareshwari, Director of Archaeology and Museums, Hyderabad, it has been averred that no evidence is available with the government to show that the monument in question is the tomb of Queen Bhagamathi. According to Smt.J.Kedareshwari, the site in question has not been declared as a historical monument within the meaning of Section 2(d) of the Andhra Pradesh Ancient and Historical Monuments and Archeological Sites and Remains Act, 1960 (for short 'the Act'). At the same time, she has stated that as and when the petitioner produces evidence to show that the site in question is a historical monument, appropriate action will be taken in accordance with law to preserve the same.

Sri Prattipati Venkateshwarlu invited our attention to the documents filed by the petitioner along with WPMP No.8705 of 2006 and submitted that the Court may direct respondent No.4 to consider the same and declare the monument in question as a historical monument in terms of Section 2(d) of the Act.

In our opinion, the innocuous submission made by the learned counsel merits acceptance. We also feel that it will be in the interest of history and culture of the State that the evidence produced by the petitioner is considered by respondent Nos.2 and 4 in conjunction with the other material already available with the department and a decision is taken on the issue of declaring the monument in question as a historical monument within the meaning of Section 2(d) of the Act.

Hence, the writ petition is disposed of with the direction that within two months of the receipt of copy of this order, respondent Nos.2 and 4 shall consider the documents filed with the writ petition and miscellaneous petition and other records, which may be made available by the petitioner to respondent No.4 for the purpose of declaring the monument in question as a historical monument within the meaning of Section 2(d) of the Act and pass appropriate order, which shall be communicated to the petitioner by the end of two months period. If the petitioner feels aggrieved by the decision of respondent Nos.2 and 4, then it shall be free to file fresh petition or avail appropriate legal remedy.

G.S.SINGHVI, CJ

Dt.6/4/2006

G.BHAVANI PRASAD,J

Msv/vtv